

BLACK POINT BEACH CLUB - ZONING COMMISSION
REGULAR MEETING
Friday, AUGUST 26th, 2011
MINUTES

A Regular Meeting of the Black Point Beach Club Zoning Commission was held on Friday evening, August 26, 2011 at 6 PM in the Black Point Beach Association Clubhouse located on 6 Sunset Avenue in Niantic, CT.

PRESENT: Ned Cosgrove, Chairman, Steven Reed, Sebastian Sanzaro, John Manuck, Sharon Sklar

ALSO PRESENT: Angela Taylor, Alternate (arrived 7:05 PM)
Mary Cahill, Board of Governors, Ex-Officio

ABSENT: Jim Mastria, Alternate, Richard Diachenko, Alternate

1. Call to Order

Chairman Cosgrove called this Regular Meeting of the BPBC Zoning Commission to order at 6:00 PM.

2. Attendance and Establishment of Quorum

Mr. Cosgrove said that they had five regular members seated and established that a quorum was present. He noted that he would not be voting except to break a tie vote. He also noted that any alternate members would be able to participate but not vote on any motions.

3. Election of Officers

▪ **Chairman**

Mr. Cosgrove called for nominations for the position of Chairman of the Zoning Commission.

****MOTION (1)**

Ms. Sklar moved to nominate Ned Cosgrove for the position of Chairman of the Zoning Commission for the next year.

Mr. Manuck seconded the motion.

Mr. Cosgrove called for any other nominations.

Mr. Sanzaro said that he would like to nominate himself for the position.

Mr. Cosgrove said that he could not do that.

****MOTION (2)**

Ms. Sklar moved to nominate Mr. Sanzaro for the position of Chairman of the Zoning Commission for the next year.

No second – Motion died.

Mr. Cosgrove called for a vote on the nomination of himself for the position of Chairman of the Zoning Commission.

Vote: 4 – 0 – 0. Motion passed.

▪ **Secretary**

Mr. Cosgrove called for nominations for the position of Secretary of the Zoning Commission.

****MOTION (3)**

Mr. Manuck moved to nominate Steve Reed for the position of Secretary of the Zoning Commission for the next year.

Mr. Cosgrove seconded the motion.

Mr. Cosgrove called for any other nominations for the position of Secretary – Hearing none he called for a vote on the nomination of Steve Reed.

Vote: 3 – 2 – 0. Motion passed.

For: Mr. Cosgrove, Mr. Manuck, Mr. Reed

Against: Ms. Sklar, Mr. Sanzaro

4. Correspondence and Announcements

Mr. Cosgrove said that he had received a letter from Ms. Johnston asking that any information or complaints received on fireworks be sent to her. He said that they had not received any.

5. Public Comments

Mr. Cosgrove called for comments from the public and asked that they please keep them to three (3) minutes or less.

Sally Erdman, 56 Sea View Ave. said that she wanted to make corrections to what she had said at the previous meeting and wanted it to read a certain way. She said that she had written it out and proceeded to read it.

Mr. Cosgrove said that should the Commission members wish to make the changes that they were the ones who could motion to make the changes.

It was noted to Ms Erdman that if she wished to submit what she had written that it could be attached to the record and filed with the minutes with the Town Clerk and be part of the public record.

Barbara Johnston, 35 Sea Crest Ave. said that she wanted her letter read into the record regarding the fireworks and the Black Point Charter. She also said that she was not able to find minutes for the July 16, 2011 Special Meeting.

Mr. Cosgrove said that there is nothing in the Zoning regulations that makes fireworks a zoning matter. He also apologized for not finishing and filing the minutes for the Special Meeting where they conducted interviews.

6. Approval of Minutes – July 22, 2011 Regular Meeting

Mr. Cosgrove called for a motion or any discussion or corrections to the July 22, 2011 Regular Meeting Minutes.

Mr. Manuck asked that on Page 2 where 59 Whitecap is listed that the following be added: Propane relief valve – Mr. Manuck was asked to check on the height of the pipe.

Mr. Reed asked that on Page 1 - 5 Sea View is changed to read: 56 Sea View.

****MOTION (4)**

Mr. Reed moved to accept the July 22, 2011 Regular Meeting Minutes of the Commission as amended.

Mr. Manuck seconded the motion.

Vote: 3 – 0 – 1. Motion passed.

Abstained: Ms. Sklar

Note: Ms. Erdman submitted her changes to be filed with the minutes.

7. Report from Zoning Enforcement Officer

Mr. Cosgrove said that Mr. Dawes had previously scheduled a vacation and was on vacation but had submitted his report to everyone. He said that he and Mr. Dawes had gone around the community and that Mr. Dawes had met many of them already. He reviewed the report with the Commissioners noting that many items had been completed and that the list would be updated and shorter for the next meeting.

- 35 Bellaire – under construction – two-story addition
- 18 East Shore – in progress
- 20 East Shore – remodel

- 19 Indianola – done
- 20 Nehantic – repair
- 48 Nehantic – done
- 17 Osprey – fence, no activity
- 22 Seacrest – new home – done
- 59 Whitecap underground propane tank (new home) – Mr. Manuck reported regarding the propane tank relief valve height that when they were putting the tank in that Mr. Mullen wanted a pad underneath so they put a pad in and did not account for the thickness of the pad which brought the height of the pipe up.

Mr. Cosgrove added that they have also said that they would lower the pipe prior to completion.

Mr. Manuck asked if driveways, walkways and patios would have a fee.

Mr. Cosgrove said no and added that flag poles also would not have a fee.

Mr. Manuck asked if a driveway went over the line if that would be a civil issue.

Mr. Cosgrove said yes. He added that repairs to property such as fence repairs would not require a permit fee either. They would be discussing that next.

Ms. Cahill asked why some of the propane tank fees were \$45 and some were \$75 – what made the difference as she had thought that there was a flat fee of \$45.

Mr. Cosgrove and Mr. Manuck said that they were all supposed to be \$45 and that the error had occurred when the fee was based on the cost of the job and should not have been. He said that has been cleared up with the new ZEO.

(Note: Ms. Taylor, Alternate joined the meeting – 7:05 PM)

****MOTION (5)**

Mr. Manuck moved to approve the ZEO report as submitted.

Mr. Sanzaro seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

8. Old Business

- **Committee Reports (Diachenko, Sanzaro, Sklar)**

Open Discussion – Outdoor Showers & other potential changes or updates to the Regulations

Ms. Sklar said that they are here to represent the people of Black Point. She passed out suggestions that the subcommittee had come up with on shower enclosures and items that should not have a fee associated with them; only a Certificate of Zoning Compliance or Exemption representing 'no fee' but acknowledging that they were aware that the work had been done.

After much discussion it was suggested that Shower enclosures in the setback area be placed under Section 5 as Item 1E and the items that would be exempt from a permit fee be placed after the schedule of fees in Section 11.

****MOTION (6)**

Mr. Manuck moved that they add the following items at the end of Section 11 on Fee Structure stating that while they require a permit there is No Fee – Zoning Permits that do not require a fee: Sidewalks, Driveways, On-grade patios not more than 2 inches above adjacent grade, flag poles, one (1) landscaping arbor or trellis of lightweight construction not over 9' in height and repair or replacement of existing fencing. Exemptions require a Certificate of Exemption, there is no fee. The ZEO will either issue a Certificate of Exemption or explain why the item does not qualify for an exemption.

Mr. Sanzaro seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

Mr. Cosgrove said that he did not think that a Public Hearing was required for items that fall under this section and that do not require a fee however he would check.

****MOTION (7)**

Ms. Sklar moved that the following be added to Section 5 on Dimensional Requirements as Item 1E. Shower Enclosures in the Setback Area: a. no closer than five (5) feet from the lot line; b. no roof or other structure shall be constructed above the enclosure; c. Maximum dimensions of 88" L x 72" W and d. No enclosure shall be located in the front yard.

Mr. Sanzaro seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

9. New Business (if any)

There was none.

10. Next Meeting of the Commission – 9/23/2011

Mr. Cosgrove said that the next meeting of the Commission would be on Friday, September 23, 2011 at 6 PM here at the BP Clubhouse.

11. Public Comments

Mr. Cosgrove called for any comments from the public.

Sally Erdman, 56 Sea View Ave. said that she wants it in the record that she was denied her request to correct inaccuracies in her comments from the previous meeting.

Barbara Johnston, 35 Sea Crest Ave. said that she wants the changes that they have made with regard to No Fee items to be brought up before the people as informational. She suggested that they present them at the upcoming annual closing meeting. She also asked that they bring extra copies of the ZEO report to the meeting for the public. She lastly said that the Zoning Regulations are set forth for the health and safety of the people and that the fireworks would fall under that.

Mr. Cosgrove explained that the regulations are set forth for the health and safety not of the individual but of the association as a whole.

Ms. Cahill said that at the previous Board of Governor's meeting that they thought that it would be nice if the new ZEO came and was introduced to everyone. She also asked that Mr. Cosgrove make it clear to the new ZEO that it is the homeowner who brings their approved permit from Black Point to the Town Hall and not the ZEO.

12. Executive Session if Necessary

There was no Executive Session.

13. ADJOURNMENT

Ms. Cosgrove called for a motion to adjourn.

****MOTION (8)**

Mr. Manuck moved that the Regular Meeting of August 26, 2011 be adjourned at 8:20 PM.

Ms. Sklar seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary